

JAP:NR
F# 2011R00735

M11-456

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE
EXTRADITION OF

MONIKA KAPOOR.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(T. 18, U.S.C., § 3184)

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EASTERN DISTRICT OF NEW YORK, SS:

I, the undersigned Assistant United States Attorney,
being duly sworn, state on information and belief that the
following is true and correct:

1. In this matter I act for and on behalf of the
Government of the Republic of India;

2. There is an extradition treaty in force between
the United States and the Republic of India, which entered into
force on June 25, 1999 in accordance with Title 18, United States
Code, § 3181;

3. Pursuant to the treaty, the Government of the
Republic of India has submitted a formal request through
diplomatic channels for the extradition of MONIKA KAPOOR;

4. MONIKA KAPOOR stands accused of (1) conspiracy,
(2) cheating and dishonestly inducing delivery of property, (3)
forgery of valuable security, will, etc., (4) forgery for the

purpose of cheating and (5) using as genuine a forged document, in violation of Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code. She is accused of committing these criminal offenses within the jurisdiction of the requesting state, and a warrant for her arrest was issued on April 26, 2010 by the Court of the Metropolitan Magistrate, Patiala House, New Delhi (India);

5. The warrant was issued on the basis of the following facts:

a. In 1998, MONIKA KAPOOR, along with her brothers, Rajan Khanna and Rajiv Khanna, forged export documents for 16 gold jewelry transactions. Six of these transactions were completed in the name of a corporation called Monika Overseas, owned by MONIKA KAPOOR, and ten transactions were completed in the name of KDH International, owned by Rajan Khanna;

b. MONIKA KAPOOR and her co-conspirators used the forged documents to obtain 16 Replenishment Licenses from the Indian foreign trade authorities. MONIKA KAPOOR and her co-conspirators subsequently sold at least 14 of these licenses to another company, which used the Replenishment Licenses to import duty-free gold, causing a

loss to the Government of 28,418,915 Rupees^{1/} in foregone duties on imported gold;

c. On October 16, 1999, MONIKA KAPOOR fled the Republic of India, and has not since returned.

6. MONIKA KAPOOR may be found within the jurisdiction of this Court in Queens, New York. Preliminary efforts to locate her have identified two potential addresses. Utility records indicate she may be living at 3105 74th Street, 2nd Floor, East Elmhurst, NY 11370. In addition, vehicle registration information shows that she may be living at 8833 Ransom Street, 2nd Floor, Queens Village, NY 11427.

7. An attorney in the Office of the Legal Adviser of the United States Department of State has provided the Department of Justice with a declaration authenticating a copy of the diplomatic note by which the request for extradition was made and a copy of the extradition treaty between the United States and the Republic of India, stating that the offenses for which extradition is demanded are covered by the treaty, and confirming that the documents supporting the request for extradition are

^{1/} To provide a context for the scope of the fraud, using the June 1, 1998 exchange rate of .0238949 U.S. dollars to one Indian Rupee for illustrative purposes only, the loss to the Indian Government was approximately U.S. \$679,000.

properly certified by the principal American diplomatic or consular officer in the Republic of India, in accordance with Title 18, United States Code, Section 3190, so as to enable them to be received in evidence; and

8. The declaration from the Department of State with its attachments, including a copy of the diplomatic note from the requesting state, a copy of the relevant extradition treaty, and the certified documents submitted in support of the request, (marked collectively as Government's Exhibit A) are filed with this complaint and incorporated by reference herein.

9. The defendant MONIKA KAPOOR, a citizen of the Republic of India was born on February 17, 1972 and holds an Indian passport No. N-628196, issued on April 28, 1993. A copy of photographs of MONIKA KAPOOR are contained in Exhibit A for the purposes of identification.

10. MONIKA KAPOOR would be likely to flee if she learned of the existence of a warrant for his arrest.

WHEREFORE, the undersigned requests that a warrant for the arrest of MONIKA KAPOOR be issued in accordance with the Extradition Treaty between the United States and the Republic of India, and Title 18, United States Code, Section 3184, so that the fugitive may be arrested and brought before this Court, "to

the end that the evidence of criminality may be heard and considered" and that this complaint and the warrant be placed under the seal of the Court until such time as the warrant is executed.

LORETTA E. LYNCH
United States Attorney

By: 

Nathan Reilly
Assistant U.S. Attorney

Sworn to before me this
2 day of May, 2011
